

Cyrus A. Tabari SB#133842
SHEUERMAN, MARTINI & TABARI
A Professional Corporation
1033 Willow Street
San Jose, California 95125
(408) 288-9700
Fax: (408) 295-9900

Attorneys for Defendant
QUEST DIAGNOSTICS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BONNIE REGINA

Plaintiff,

v.

QUEST DIAGNOSTICS, INC; NDM, LLC and
DOES 1-25, Inclusive,

Defendants.

) No. C07-03881

) ANSWER TO COMPLAINT ON BEHALF
) OF DEFENDANT QUEST DIAGNOSTICS,
) INC.

) DEMAND FOR A JURY

) Complaint filed: July 30, 2007

Defendant QUEST DIAGNOSTICS, INC., hereby answers plaintiff's Complaint as follows:

1. This answering defendant lacks information or belief, and therefore denies the allegations contained in paragraph 1 of plaintiff's Complaint. Defendant admits to operating a Quest Diagnostics Laboratory at 2519 Milvia Street, Berkeley, California.

2. The allegations regarding jurisdiction, venue, and intradistrict assignment contained in paragraphs 2, 3 and 4 are admitted.

3. This answering defendant lacks information or belief, and therefore denies the allegations contained in paragraphs 5 and 6 of plaintiff's Complaint.

4. This answering defendant admits that Quest Diagnostics, Inc. was the lessee of the subject premises, but otherwise denies the allegations of paragraph 7 of plaintiff's Complaint.

5. This answering defendant lacks information or belief, and therefore denies the

1 allegations contained in paragraphs 8 through 19 of plaintiff's Complaint.

2 6. This answering defendant lacks information or belief, and therefore denies the
3 allegations contained in paragraphs 20 through 22 of plaintiff's Complaint.

4 7. This answering defendant lacks information or belief, and therefore denies the
5 allegations contained in paragraphs 23 through 32 of plaintiff's Complaint.

6 **AFFIRMATIVE DEFENSES**

7 **FIRST AFFIRMATIVE DEFENSE TO ALL CLAIMS FOR RELIEF**

8 8. Plaintiff's complaint fails to state a claim upon which relief can be granted.

9 **SECOND AFFIRMATIVE DEFENSE TO ALL CLAIMS FOR RELIEF**

10 9. Plaintiff's claims are barred by the applicable statutes of limitation.

11 **THIRD AFFIRMATIVE DEFENSE TO ALL CLAIMS FOR RELIEF**

12 10. Plaintiff Complaint is barred by the doctrine of estoppel.

13 **FOURTH AFFIRMATIVE DEFENSE TO ALL CLAIMS FOR RELIEF**

14 11. Plaintiff lacks standing to assert the claims alleged against this defendant.

15 **REQUEST FOR A JURY TRIAL**

16 Defendant hereby requests a jury trial in the above matter.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, this answering defendant prays for judgment as follows:

- 19 1) That plaintiff takes nothing by her Complaint;
20 2) That this answering defendant be awarded attorneys fees and costs of suit incurred
21 herein; and
22 3) For such other and further relief as the Court deems just and proper.

23
24 DATED: September ____, 2007

SHEUERMAN, MARTINI & TABARI

25
26 By: /S/
27 CYRUS A. TABARI
28 Attorneys for Defendant
QUEST DIAGNOSTICS, INC.

CASE NAME: BONNIE REGINA v. QUEST DIAGNOSTICS, INC. ACTION NO. C07-03881

PROOF OF SERVICE
[CCP §§ 1012.5, 1013a and 2015.5; CRC 2008]

I am a resident of the United States. My business address is 1033 Willow Street, San Jose, CA 95125. I am employed in Santa Clara County where this service occurred. I am over the age of 18 years and not a party to the within cause. I am readily familiar with my employer's normal business practice for collection and processing of correspondence for mailing and facsimile. In the case of mailing [other than overnight delivery], the practice is that correspondence is deposited in the U.S. Postal Service the same day as the day of collection in the ordinary course of business.

On September 5, 2007, I served the within ANSWER TO COMPLAINT ON BEHALF OF DEFENDANT QUEST DIAGNOSTICS, INC. on the PARTIES in said action as follows:

Paul L. Rein, Esq.
Julie A. Ostil, Esq.
Law Offices of Paul L. Rein
200 Lakeside Drive, Suite A
Oakland, CA 94612
(510) 832-5001
Fax: (510) 832-4787

X (BY MAIL) I caused a true copy of each document identified above to be placed in a sealed envelope with first-class postage affixed. Each such envelope was deposited for collection and mailing that same day in the ordinary course of business in the United States mail at San Jose, California.

____ (BY PERSONAL SERVICE) I caused a true copy of each document identified above to be delivered by hand to the offices of each addressee above.

____ (BY OVERNIGHT DELIVERY) I caused a true copy of each document identified above to be sealed in an envelope to be delivered to an overnight carrier with delivery fees provided for, addressed of each addressee above.

____ (BY FACSIMILE SERVICE) I caused each of the above-named documents to be delivered by facsimile transmission to the office at each fax number noted above at ____ .m., by use of facsimile machine telephone number (408) 295-9900. The facsimile machine used complied with CRC §2003(3), and no error was reported by the machine. A copy of the transmission record is attached to this declaration.

____ (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

X (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

/S/
Julia Nicholls